

REMARKS

Favorable reconsideration of this application, in light of the following discussion and in view of the present amendment, is respectfully requested.

Claims 2-4, 9-11, 15-18, and 20 have been amended. Claims 1 and 8 have been cancelled. Claims 1-20 are pending and under consideration.

This amendment is believed to place the application in condition for allowance, and entry therefore is respectfully requested. In the alternative, entry of this amendment is requested as placing the application in better condition for appeal by, at least, reducing the number of issues outstanding.

Entry of Amendment under 37 C.F.R. § 1.116

The Applicant requests entry of this Rule 116 Response because the amendment does not alter the scope of the claims and places the application at least into a better form for purposes of appeal. No new features or new issues are being raised.

The Manual of Patent Examining Procedures (M.P.E.P.) sets forth in Section 714.12 that “any amendment that would place the case either in condition for allowance or in better form for appeal may be entered.” Moreover, Section 714.13 sets forth that “the Proposed Amendment should be given sufficient consideration to determine whether the claims are in condition for allowance and/or whether the issues on appeal are simplified.” The M.P.E.P. further articulates that the reason for any non-entry should be explained expressly in the Advisory Action.

I. Rejections under 35 U.S.C. § 102

In the Office Action, at pages 2-5, claims 1, 3, 8, 10, and 20 were rejected under 35 USC § 102(e) as being anticipated by Kitajima et al. (U.S. Patent Application No. 2003/0128979).

Claims 1 and 8 have been cancelled. Accordingly, withdrawal of these § 102 rejections is respectfully requested.

Claims 3 and 10 have been amended to depend from claims 4 and 11, respectively, which have each been rewritten in independent form to be allowable, as indicated by the Examiner on page 10 of the Office Action. Accordingly, withdrawal of these § 102 rejections is respectfully requested and it is submitted that claims 3 and 10 are in a condition suitable for allowance.

Claim 20 has been amended to recite features that have been acknowledged as patentable by the Examiner, for example, at page 10 of the Office Action. Accordingly,

withdrawal of the § 102 rejection is respectfully requested and it is submitted that claim 20 is in a condition suitable for allowance.

II. Rejections under 35 U.S.C. § 103

In the Office Action, at pages 5-7, claims 2 and 9 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Kitajima et al. in view of Arnold (U.S. Patent Application No. 2004/0052524).

Claims 2 and 9 have been amended to depend from claims 4 and 11, respectively, which have each been rewritten in independent form to be allowable, as indicated by the Examiner on page 10 of the Office Action. Accordingly, withdrawal of these § 103 rejections is respectfully requested and it is submitted that claims 2 and 9 are in a condition suitable for allowance.

In the Office Action, at pages 8-9, claims 18-19 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Kitajima et al. in view of admitted prior art (Pub. No. 8-321805).

Claim 18 has been amended to depend from claim 11, which has been rewritten in independent form to be allowable, as indicated by the Examiner on page 10 of the Office Action. Accordingly, withdrawal of the § 103 rejection is respectfully requested and it is submitted that claim 18, and claim 19 that depends therefrom, are in a condition suitable for allowance.

III. Allowable subject matter

In the Office Action, at page 10, claims 4-7 and 11-17 were objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

As discussed above, claims 4 and 11 have been rewritten in independent form to be allowable, as indicated by the Examiner on page 10 of the Office Action. Claims 15-17 have also each been rewritten in independent form to be allowable, as indicated by the Examiner on pages 10-11 of the Office Action. Claims 5-7 and 12-14 depend either directly or indirectly from claims 4 and 11, respectively, and include all the features of claims 4 and 11, respectively, plus additional features that have been acknowledged as patentable by the Examiner. Accordingly, withdrawal of these objections is respectfully requested and it is submitted that claims 4-7 and 11-17 are in a condition suitable for allowance.

CONCLUSION

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Serial No. 10/806,330

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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